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09/988,785	11/20/2001	Tsuneyuki Kikuchi	070639-0136	9130

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EXAMINER	
BATURAY, ALICIA	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,785	KIKUCHI, TSUNEYUKI	
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the amendment filed 15 May 2006.

2. Claim 3 was amended.

3. Claims 1-45 are pending in this Office Action.

Response to Amendment

4. Applicant's amendments and arguments with respect to claims 1-45 filed on 15 May 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3, 4, 6, 7, 9, 11, 13, 14, 16, 18, 19, 21, 23, 25, 26, 28, 29, 31, 33, 35, 36, 38, 39, 41, 43 and 45 are rejected under 35 U.S.C. § 103(a) as being anticipated by Mei et al. (U.S. 6,816,907) and further in view of Douglis et al. (U.S. 6,487,596).

Mei teaches the invention substantially as claimed including a data communications network includes at least one data processor that operates under control of a stored program resident on a memory media. The stored program directs operation of the data processor to provide users with differentiated services by defining, for individual ones of the plurality of content providers, a plurality of levels of services for users, and for responding to service level tables received from individual ones of the plurality of content providers, where individual ones of users are assigned to one of the plurality of levels of service. There is also at least one resource requirement table for defining at least a minimum set of resources required for realizing individual ones of the plurality of service levels (see Abstract).

7. With respect to claim 1, Mei teaches a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals; each client terminal including means for establishing communication with the server (Mei, col. 4, lines 33-47); the server including: decision means for monitoring a connection state between each client terminal and the server and deciding whether or not the connection state corresponds to at least one of the disconnection conditions (Mei, col. 7, lines 11-13); and disconnection means for disconnecting a first client terminal when it is decided that the connection state corresponds to at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing information about a plurality of separate and distinct disconnection conditions regarding disconnection of the

plurality of client terminals (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

8. With respect to claim 3, Mei teaches a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals (Mei, col. 4, lines 33-47); each client terminal including means for transmitting a user identifier to issue a log-in request to the server; the server including: means for logging in client terminals in response to log-in requests from the plurality of client terminals (Mei, col. 8, lines 30-37); retrieval means for retrieving at least one of the plurality of disconnection conditions based on user identifier transmitted from each client terminal (Mei, col. 8, lines 30-41); and disconnection means, responsive to the at least one of the plurality of disconnection conditions retrieved by the retrieval means, for monitoring a connection state between each client terminal and the server (Mei, col. 7, lines 11-13) and disconnecting a first client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals in conjunction with the user identifiers (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

9. With respect to claim 4, Mei teaches the invention described in claim 3, including the communications system where the disconnection means comprises:

Decision means for monitoring said connection state between the client terminal and the server and deciding whether or not the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 11-13); and client disconnection means for disconnecting the client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

10. With respect to claim 6, Mei teaches the invention described in claim 3, including a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals (Mei, col. 4, lines 33-47); each client terminal including means for transmitting a user identifier to issue a log-in request to the server; the server including: means for logging in client terminals in response to log-in requests from the plurality of client terminals (Mei, col. 8, lines 30-37); retrieval means for retrieving at least one of the plurality of disconnection conditions based on user identifier transmitted from each client terminal (Mei, col. 8, lines 30-41); and disconnection means for monitoring a connection state between each client terminal and the server (Mei, col. 7, lines 11-13) and disconnecting a first client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals in conjunction with the user identifiers (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22) and the communications system where the memory stores a maximum allowable non-communication time period for which data is not transmitted or received by the client terminal in conjunction with the user identifier (Douglis, col. 3, lines 9-26); and where the disconnection means comprises means for performing disconnection when a non-communication time period of the client terminal exceeds the maximum allowable non-communication time period stored in the memory (Douglis, col. 3, lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

11. With respect to claim 7, Mei teaches the invention described in claim 6, including the communications system where the server is connected to an application server which stores an application supplied to the client terminal (Mei, col. 4, lines 33-47).

Mei does not explicitly teach a timeout period as a disconnection condition.

However, Tanimoto teaches where the maximum allowable non-communication time period is a maximum allowable time period for which a packet is not communicated between the client terminal and the application server before the client terminal is to be disconnected (Douglis, col. 3, lines 6-9); and where the disconnection means comprises means for monitoring arrival times of packets that have a transmission destination address or a reception destination address that is the same as an address of the client terminal (Douglis, col. 7, lines 31-33), and for performing disconnection of the client terminal when a time period elapsed after the arrival time exceeds the maximum allowable non-communication time period stored in the memory (Douglis, col. 3, lines 9-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a

customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

12. With respect to claim 9, Mei teaches the invention described in claim 3, including the communications system where the memory stores a maximum allowable traffic value that specifies a level of allowable traffic for the client terminal in a predetermined period of time, in conjunction with the user identifier (Mei, Figs. 3 and 5; col. 5, lines 44-50); and where the disconnection means comprises means for performing disconnection of the client terminal when a level of actual traffic for the client terminal exceeds the maximum allowable traffic value stored in the memory (Mei, col. 7, lines 20-22).

13. With respect to claim 11, Mei teaches the invention described in claim 3, including a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals (Mei, col. 4, lines 33-47); each client terminal including means for transmitting a user identifier to issue a log-in request to the server; the server including: means for logging in client terminals in response to log-in requests from the plurality of client terminals (Mei, col. 8, lines 30-37); retrieval means for retrieving at least one of the plurality of disconnection conditions based on user identifier transmitted from each client terminal (Mei, col. 8, lines 30-41); and disconnection means for monitoring a connection state between each client terminal and the server (Mei, col. 7, lines

11-13) and disconnecting a first client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals in conjunction with the user identifiers (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22) and where the memory stores an address of the application server and a timeout time, in conjunction with the user identifier (Douglis, col. 3, lines 9-26); and where the disconnection means comprises means for monitoring an arrival time of a packet stored in the memory, the packet being a group of an address and a service identifier (Douglis, col. 7, lines 31-33), and performing disconnection immediately before elapsing a timeout time from the arrival time, the timeout time being stored in the memory in conjunction with the user identifier, the memory belonging to a group of a matching address and a matching service identifier and when the timing of the packet matching a group of an address and a service identifier is not received from an opposite party (Douglis, col. 3, lines 9-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

14. With respect to claims 13, Mei teaches the invention described in claim 3, including the communications system where the memory stores a line disconnecting order in conjunction with the user identifier (Mei, col. 8, lines 30-41); and where the disconnection means is means for performing disconnection of the client terminal in accordance with the line disconnecting order stored in the memory (Mei, col. 7, lines 20-22).

15. Claims 14, 16, 18, 19, 21, 23, 25, 26, 28, 29, 31, 33, 35, 36, 38, 39, 41, 43 and 45 do not teach or define any new limitations above claims 1, 3, 4, 6, 7, 9, 11 and 13 and therefore are rejected for similar reasons.

16. Claims 2, 12, 15, 24, 34, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mei in view of Douglis and further in view of Rao (U.S. 6,789,118).

17. With respect to claim 2, Mei teaches the invention described in claim 1, including a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals; each client terminal including means for establishing communication with the server (Mei, col. 4, lines 33-47); the server including: decision means for monitoring a connection state between each client terminal and the server and deciding whether or not the connection state corresponds to at least one of the disconnection conditions (Mei, col. 7, lines 11-13); and disconnection means for

disconnecting a first client terminal when it is decided that the connection state corresponds to at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing information about a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

The combination of Mei and Douglis does not explicitly teach means for disconnecting the first client terminal logged in for the longest time.

However, Rao teaches the disconnection means comprises means for disconnecting a first client terminal logged in at an earliest time when two or more of the client terminals have a same disconnection condition of the plurality of disconnection conditions (Rao, col. 16, lines 49-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Mei and Douglis in view of Rao in order to provide means for disconnecting the first client terminal logged in for the longest time. One would be

motivated to do so in order to accommodate the increase in the number and the variety of network traffic with efficiency.

18. Claims 12, 15, 24, 34, and 44 do not teach or define any new limitations above claim 2 and therefore are rejected for similar reasons.

19. Claims 5, 8, 17, 20, 27, 30, 37 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mei in view of Douglis and further in view of Shaheen (U.S. 6,430,273).

20. With respect to claim 5, Mei teaches the invention described in claim 3, including a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals (Mei, col. 4, lines 33-47); each client terminal including means for transmitting a user identifier to issue a log-in request to the server; the server including: means for logging in client terminals in response to log-in requests from the plurality of client terminals (Mei, col. 8, lines 30-37); retrieval means for retrieving at least one of the plurality of disconnection conditions based on user identifier transmitted from each client terminal (Mei, col. 8, lines 30-41); and disconnection means for monitoring a connection state between each client terminal and the server (Mei, col. 7, lines 11-13) and disconnecting a first client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals in conjunction with the user identifiers (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

The combination of Mei and Douglis does not explicitly teach maximum allowable time as a disconnection condition.

However, Shaheen teaches the communications system where the memory stores a maximum allowable time period between logging-in and disconnection of the client terminal, in conjunction with the user identifier; and where the disconnection means comprises means for performing disconnection when a time period that has elapsed after a log-in operation to the server by the client terminal exceeds a maximum allowable time period stored in the memory (Shaheen, col. 5, lines 33-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Mei and Douglis in view of Shaheen in order to

enable the use of maximum allowable time as a disconnection condition. One would be motivated to do so in order to enable each customer gets fair use of the modem pool.

21. With respect to claim 8, Mei teaches the invention described in claim 3, including a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals (Mei, col. 4, lines 33-47); each client terminal including means for transmitting a user identifier to issue a log-in request to the server; the server including: means for logging in client terminals in response to log-in requests from the plurality of client terminals (Mei, col. 8, lines 30-37); retrieval means for retrieving at least one of the plurality of disconnection conditions based on user identifier transmitted from each client terminal (Mei, col. 8, lines 30-41); and disconnection means for monitoring a connection state between each client terminal and the server (Mei, col. 7, lines 11-13) and disconnecting a first client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals in conjunction with the user identifiers (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

The combination of Mei and Douglis does not explicitly teach a maximum number of clients simultaneously connected to the server as a disconnection condition.

However, Shaheen teaches the communications system where the memory stores a maximum allowable simultaneous jointer count that specifies a number of the plurality of client terminals that can be simultaneously connected to the server before the client terminal is to be disconnected, in conjunction with the user identifier; and where the disconnection means comprises means for performing disconnection when the number of the plurality of client terminals connected to the server exceeds the maximum allowable simultaneous jointer count stored in the memory (Shaheen, col. 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Mei and Douglis in view of Shaheen in order to enable the use of maximum allowable time as a disconnection condition. One would be motivated to do so in order to One would be motivated to do so in order to enable each customer gets fair use of the modem pool.

22. Claims 17, 20, 27, 30, 37 and 40 do not teach or define any new limitations above claims 5 and 8 and therefore are rejected for similar reasons.

23. Claims 10, 22, 32, and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mei in view of Douglis and further in view of McNamara (U.S. 6,262,976).

24. With respect to claim 10, Mei teaches the invention described in claim 3, including a communications system comprising:

A server; a plurality of client terminals; and a communications network which interconnects the server and the plurality of client terminals (Mei, col. 4, lines 33-47); each client terminal including means for transmitting a user identifier to issue a log-in request to the server; the server including: means for logging in client terminals in response to log-in requests from the plurality of client terminals (Mei, col. 8, lines 30-37); retrieval means for retrieving at least one of the plurality of disconnection conditions based on user identifier transmitted from each client terminal (Mei, col. 8, lines 30-41); and disconnection means for monitoring a connection state between each client terminal and the server (Mei, col. 7, lines 11-13) and disconnecting a first client terminal when the connection state corresponds to the at least one of the disconnection conditions (Mei, col. 7, lines 20-22).

Mei does not explicitly teach a plurality of separate and distinct disconnection conditions.

However, Douglis teaches the server including: a memory for storing a plurality of separate and distinct disconnection conditions regarding disconnection of the plurality of client terminals in conjunction with the user identifiers (Douglis, col. 2, lines 38-50), where some of the plurality of client terminals have different disconnection conditions than others (Douglis, col. 4, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mei in view of Douglis in order to enable the use of separate and distinct disconnection conditions. One would be motivated to do so in order to allow a customer to avoid the burden of disconnection and reconnection by paying a premium for the service.

The combination of Mei and Douglis does not explicitly teach the disconnection of a terminal if the data volume of packets exceeds a specific value.

However, McNamara teaches the memory storing a specific volume of data selected from the group of a transmission packet size, a reception packet size, a transmission packet count, and a reception packet count, in conjunction with the user identifier; and where the disconnection means comprises means for performing disconnection of the client terminal when a data volume of packets having a transmission or reception destination address the same as an address of the client terminal exceeds the specific volume (McNamara, col. 36, lines 42-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Mei and Douglis in view of McNamara in order to make use a disconnection condition that occurs if a specified packet size is exceeded. One would be motivated to do so in order to decrease the amount of congestion from any one link.

25. Claims 22, 32, and 42 do not teach or define any new limitations above claim 10 and therefore are rejected for similar reasons.

Response to Arguments

26. Applicant's arguments filed 15 May 2006 have been fully considered, but they are not persuasive for the reasons set forth below.

27. The examiner respectfully submits that Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 24, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER